

FILED

THE UNITED STATES DISTRICT COURT

AUG 1 2013

FOR THE DISTRICT OF MONTANA

Clerk, U.S. District Court
District Of Montana
Missoula

MISSOULA DIVISION

SERGIO GONZALEZ,

Cause No. CV 13-00135-M-DWM-JCL

Plaintiff,

vs.

ORDER

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

On July 1, 2013, the Court received the Complaint submitted in this case along with a nearly identical Complaint submitted by an individual named Young Yil Jo in Civil Action No. 13-CV-00134-M-DWM-JCL. The Complaints appeared to be written in the same handwriting. Neither the filing fee nor a motion to proceed in forma pauperis was submitted with either Complaint. The Complaints were received in the same envelope from the United States Immigration and Customs Enforcement Processing Center in El Paso, Texas.¹

¹Mail sent to Mr. Gonzalez at the ICE Processing Center in Civil Action No. 9:13cv110-DWM was returned as undeliverable on July 1, 2013.

The Complaint filed in Civil Action No. 13-CV-00134-M-DWM-JCL is in the name of Young Yil Jo, a former federal prisoner who according to the Federal Bureau of Prisons website was released on May 8, 2013. Yil Jo has filed hundreds of frivolous lawsuits throughout the country. Yil Jo has been denied permission to proceed in forma pauperis and his case is closed. See Civil Action No. 13-CV-00134-M-DWM-JCL.

The second Complaint, at issue here, is in the name of Sergio Gonzalez. The Complaint is not signed. The Court has serious concerns regarding this Complaint. First, it appears Yil Jo drafted the Complaint because the handwriting on both Complaints and complaints filed by Yil Jo in other jurisdictions is the same. Secondly, Yil Jo has a history of submitting complaints in other prisoners' names without their knowledge. He has done so previously in this Court. See Civil Action Nos. 12-CV-00118-BLG-RFC, 13-CV-98-M-DWM, 13-CV-110-M-DWM, 13-CV-125-M-DWM. In addition, the Northern District of Georgia has noted it had dismissed at least eleven complaints allegedly submitted by federal prisoner Jaimes Enriquez against "Six Unknown Names [sic] Agents" at least one of which was actually submitted by Yil Jo. Enriquez had informed the Court that many lawsuits filed in his name were not filed by him. See Civil Action 11-CV-01341-WSD, DKT 2 (N.D. Ga April 29, 2011).

More important, however, is that this Complaint has not been signed. Rule 11(a) of the Federal Rules of Civil Procedure requires that every pleading, written motion and other papers be signed by a party personally if the party is unrepresented.

It appears that Yil Jo drafted this Complaint and it is unclear whether Sergio Gonzalez has even seen it. In light of this, and because there is no signature on the Complaint, the Complaint will be stricken and this matter closed.

The Clerk of Court is directed to send a copy of this Order as well as the Complaint to Sergio Gonzalez at the ICE Processing Center in El Paso, Texas. If Sergio Gonzalez himself wishes to file a civil suit, he may do so by submitting a signed complaint and either paying the filing fee or submitting a request for permission to proceed in forma pauperis that complies with the requirements of 28 U.S.C. § 1915.

Based upon the foregoing, the Court issues the following:

ORDER

The Complaint is stricken and the Clerk of Court directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 1st day of August, 2013.



Donald W. Molloy, District Judge
United States District Court